



Grenada

Country Reports on Human Rights Practices - [2001](#)

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Grenada is a parliamentary democracy, with a Governor General as titular Head of State. In the 1999 parliamentary elections, Prime Minister Keith Mitchell's New National Party (NNP) won all 15 seats and formed a new government. Subsequently, one Member of Parliament left the NNP and became the sole opposition member. The elections were conducted openly and fairly and were free of violence. The judiciary is generally independent.

The 782-member Royal Grenada Police Force is responsible for maintaining law and order. It is controlled by and responsive to civilian authorities. There were occasional allegations of abuse by the police.

Grenada and 2 smaller islands, Carriacou and Petit Martinique, have a population of approximately 98,000. The country has a free market economy based on agriculture and tourism. The estimated real economic growth rate was 6.4 percent in 2000, and the projected annual growth rate for 2001 was 4.5 percent. Per capita gross domestic product was \$8,922 in 2000.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Violence against women is common, although cases of such violence appear to be declining. Child abuse remains a significant problem, and in October the Social Services Ministry established a special hot line to handle complaints of abuse.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The Constitution prohibits such practices, and there were no reported incidents of torture. Flogging, a legal form of punishment, is rare but has been used as punishment for sex crimes and theft cases.

There were no media reports of police brutality during the year. Allegations of police brutality are investigated internally by the police. The Police Commissioner can discipline officers in valid cases of brutality with penalties that may include dismissal from the force. The Police Commissioner continued to speak out strongly against police use of unlawful force.

Prison conditions generally meet international standards, and the Government permits visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law provides the police with the right to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours. The police generally adhere to this time limit in practice. If the police do not charge a detainee within 48 hours, they must release the person.

The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There is a functioning system of bail, although persons charged with capital offenses are not eligible. Persons charged with treason may be accorded bail only upon the recommendation of the Governor General.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The judiciary, a part of the Eastern Caribbean legal system, is generally independent. Final appeal may be made to the Privy Council in the United Kingdom. Those arrested on criminal charges are brought before a judge to determine whether there is sufficient evidence to substantiate the charges; if there is, the judge remands the defendant for trial.

The law provides for the right to a fair public trial, and the authorities generally observe this right in practice. There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the advice of legal counsel. A defense lawyer has the right to be present during interrogation and may advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser.

The court appoints attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reach the appellate stage, the court appoints a lawyer to represent the accused if the defendant was not previously represented or reappoints earlier counsel if the appellant no longer can afford that lawyer's services. Due to the backlog of cases caused by a shortage of judges and facilities, those charged with serious offenses must wait from 6 months to 1 year before coming to trial in the High Court. With the exception of persons charged with murder and foreign-born drug suspects, the courts grant most defendants bail while awaiting trial.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and the authorities generally respect these prohibitions. The law generally requires judicially issued warrants for searching homes, except in cases of hot pursuit. The law contains other exceptions that give the police and security units legal authority to search persons and property without warrants in certain circumstances. In practice police obtain warrants in the majority of cases before conducting any search.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. There are three weekly newspapers, and several other newspapers publish irregularly. One of the weeklies is affiliated with an opposition political party, but the three most widely circulated newspapers are independent and often critical of the Government. The newspapers routinely carry press releases by the opposition parties, including regular weekly columns expressing the opposition parties' views.

There are six radio stations. The main station is part of the Grenadian Broadcasting Network (GBN), a privately owned organization in which the Government holds a minority share. The principal television station is also part of the GBN. There is also a privately owned television station. A cable television company operates in

most areas of the country. All newspapers, radio, and television stations enjoy independence from the State and regularly report opposition views. The television news often carried reports on opposition activities, including coverage of political rallies held by various political parties and candidates, public forums featuring political leaders of each of the major parties, and other public service broadcasts.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble for any peaceful purpose, and for the right of association, and the Government generally respects these rights in practice. Supporters of political parties meet frequently and hold public rallies; the authorities require permits for the use of a public address system but not for public meetings themselves.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country, and all citizens have the right to enter and leave the country, except in special circumstances as outlined in and limited by the 1986 Act to Restrict the Freedom of Movement of Certain Persons. This law allows the Minister for National Security to restrict travel out of the country by any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government; it has not been invoked in the past few years. Anyone so restricted may appeal after 3 months to an independent and impartial tribunal. The Chief Justice appoints an accredited lawyer to preside over such a tribunal.

No formal government policy toward refugee or asylum requests exists. The issue of provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. General elections must be held every 5 years; in January 1999, Prime Minister Keith C. Mitchell's NNP was returned to office, securing all 15 seats in Parliament. In 2000 a Member of Parliament changed party affiliation to become the single elected opposition member, leaving the NNP with a majority of 14 seats.

The percentage of women in government or politics does not correspond to their percentage of the population. Four of the 15 elected Members of Parliament are women; there are no women among the 13 appointed Senators. Women account for 7 of the 13 permanent secretaries, the highest civil service position in each ministry; in addition, a woman is the Cabinet Secretary, the highest civil service position in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local human rights groups operate without government restriction, and the Government cooperates with visits from international human rights organizations.

The Truth and Reconciliation Commission, which was established by the Government in January 2000, was inaugurated formally in September and began its work in early November to investigate the period between the mid-1970's and the late 1980's. Rather than conduct hearings, the four-member commission has invited interested parties to share information with them either privately or in public sessions. Since October the commission held five weekly sessions, which did not draw much media or public attention. The commission's terms of reference specify the objective of recommending "general amnesty to certain persons who in the opinion of the commission have given truthful information during the hearing of evidence." The commission is expected to review the convictions of former Deputy Prime Minister Bernard Coard and other leaders of the

former People's Revolutionary Government for their roles in the 1983 assassination of former Prime Minister Maurice Bishop and his cabinet colleagues. In 1986 a court convicted Coard and 18 other revolutionary leaders of murder and sentenced them to death; subsequently, 2 were pardoned, and the sentences of the remaining 17 commuted to life in prison. Of these, one person was granted parole to undergo medical treatment overseas.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, place of origin, political opinion, color, creed, or sex, and the Government generally adheres to these provisions.

Women

Women's rights monitors believe that violence against women remains a serious problem, and there was a notable increase in reports of incidents of violence during the year. In May Parliament enacted a bill aimed at combating domestic violence. It provides for penalties including jail sentences, fines, and community service and also includes provisions for issuance of restraining orders. The police state that most cases of abuse are not reported, and others are settled out of court. The law stipulates a sentence of 15 years' imprisonment for a conviction of any nonconsensual form of sex. Sentences for assault against a spouse vary according to the severity of the incident. The Ministry of Women's Affairs has implemented a public relations campaign to increase awareness of the problem of domestic violence, which focuses on a different aspect of the problem each year. In November the campaign involved press releases; purple ribbons, pins, and T-shirts; and workshops with groups and organizations. There is a shelter for battered and abused women and their children in the northern part of the island, with medical and psychological counseling personnel on its staff. The home accommodates 20 persons.

Prostitution is illegal.

Sexual harassment in the workplace is a problem.

There is no evidence of official discrimination in health care, employment, or education. Women frequently earn less than men performing the same work; such wage differences are less marked for the more highly paid jobs.

Children

The Social Welfare Division within the Ministry of Labor provides probationary and rehabilitative services to youths, day care services and social work programs to families, assistance to families wishing to adopt or provide foster care to children, and financial assistance to the six children's homes run by private organizations.

Education is compulsory until the age of 16.

Government social service agencies reported a further increase in the number of child abuse cases, including sexual abuse. Abused children are placed either in a government-run home or in private foster homes. The law provides for harsh penalties against those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. There were three convictions for such offenses during the year, with abusers sentenced to a maximum of 15 years in prison. In January Parliament passed a Child Protection Act. In October the Social Services Ministry established a child abuse hot line; it received an average of six calls per day. Women's organizations and other nongovernmental organizations increased their public awareness efforts to recognize and combat sexual abuse of women and children.

Persons with Disabilities

The law does not protect job seekers with disabilities from discrimination in employment, nor does it mandate provision of accessibility to public buildings or services. The National Council for the Disabled and the National Children's Home assist the Government in placing students with disabilities into community schools. The Council also seeks assistance from architects and builders in the construction of ramps at hotels and public buildings, and ramps have been installed at some hotels and government buildings.

Section 6 Worker Rights

a. The Right of Association

All workers are free to organize independent labor unions. Although employers are not legally obliged to recognize a union formed by their employees, they generally do so in practice. Labor Ministry officials estimate that 25 percent of the work force is unionized, a decline reflecting loss of jobs during the year. Union leaders play a significant role in the political process, and one labor leader serves in the Senate on behalf of the Grenada Trades Union Council (GTUC).

All unions are technically free of government control, and none receive government financial support. However, all of the major unions belong to one umbrella labor federation, the GTUC, which is subsidized by the Government. The GTUC holds annual conventions and determines some policies for member unions.

Workers in the private and public sectors are free to strike, once legal and procedural requirements are met. There were several strikes or other types of industrial action during the year, including those by workers at the Nutmeg Association, the Grenada Sugar Factory, and the airport. All were short-lived and were settled with the intervention of the Labor Commissioner, the Minister of Labor, and the respective unions.

The GTUC and its unions freely affiliate with regional and international trade union groups.

b. The Right to Organize and Bargain Collectively

Workers are free to organize and to participate in collective bargaining. The law requires employers to recognize a union that represents the majority of workers in a particular business. The law prohibits discrimination by employers against union members and organizers. Mechanisms exist to resolve complaints of discrimination. After all avenues for resolving a complaint have been exhausted between union representatives and employers, both sides may agree to ask for the assistance of the Labor Commissioner. If the Labor Commissioner is unable to find a resolution to the impasse, the Minister of Labor intervenes and, if unable to reach an agreement, may appoint an arbitration tribunal if both parties agree to abide by its ruling. The law requires employers who are found guilty of antiunion discrimination to rehire dismissed employees, but in most cases the employee accepts the option of compensation. There were no cases of antiunion discrimination reported to the Ministry during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced or bonded labor, including that of children, and it is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor is illegal; however, children sometimes work in the agricultural sector. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforce this provision in the formal sector by periodic checks; however, enforcement efforts in the informal sector are lax. The Government has endorsed but not yet ratified the International Labor Organization's Convention 182 on elimination of the worst forms of child labor. The Constitution prohibits forced or bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work

There are no minimum wage laws in force. Most workers, including nonunionized workers, receive packages of benefits from employers set by collective bargaining agreements between employers and labor unions. In many cases, overall wages and benefits are not sufficient to provide a decent standard of living for a worker and family. Many families receive remittances from relatives abroad and also help support themselves through garden-plot agriculture. The generally accepted minimum wage for agricultural workers was about \$8.50 (EC\$20.00) per day.

The Constitution stipulates that the maximum number of hours per week workers may work is 40. The law does not prescribe a standard workweek, except for the public sector, which is expected to work a 40-hour week Monday through Friday. The normal workweek in the commercial sector includes Saturday morning work but does not exceed 40 hours.

The Government sets health and safety standards, but the authorities enforce them unevenly. Workers can remove themselves from dangerous workplace situations without jeopardy to continued employment.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons. There were no reports that persons were trafficked to, from, or within the country during the year.